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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 TREVOR ALLEN HOBAUGH,

12 Plaintiff,

13 v.

14 AMADOR COUNTY SHERIFF
15 DEPARTMENT, et al.,

16 Defendants.
17

No. 2:24-CV-1078-DMC-P

ORDER

and

FINDINGS AND RECOMMENDATIONS

18 Plaintiff, who is proceeding pro se, brings this civil rights action pursuant to 42
19 U.S.C. § 1983. Pending before the Court is Plaintiff's first amended complaint, ECF No. 8.

20 Plaintiff's claims have been summarized in the Court's August 28, 2024, order.

21 See ECF No. 9. In that order, the Court determined that Plaintiff's first amended complaint
22 appears to state a plausible claim for relief against Defendant Trantham. See id. Specifically, the
23 Court stated as follows:

24 The Court finds that Plaintiff plausibly states a cognizable
25 claim for relief under the Eighth Amendment against Defendant Trantham.
26 It is reasonable to infer from the facts alleged that Trantham essentially
27 labeled Plaintiff as a "snitch." It is also reasonable to infer, based on
28 Plaintiff's further allegation that he was assaulted in jail after Trantham
allegedly said. Finally, it is reasonable to infer by the nature of the

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1 statement allegedly made, that Trantham should have known of a risk to
2 Plaintiff's safety. The Court is prepared to order service on Defendant
Trantham.

3 See id.

4 The Court also determined that Plaintiff's first amended complaint fails to state a claim for relief
5 against Defendants Amador County Sheriff's Department or Captain Stone. See id. Plaintiff was
6 provided an opportunity to amend within 30 days and cautioned that, if no amended complaint
7 was filed within the time permitted therefor, the Court would recommend dismissal of Defendants
8 Amador County Sheriff's Department and Captain Stone, and that the Court would direct service
9 as to Defendant Trantham. To date, the time to file an amended complaint has passed and
10 Plaintiff has not filed an amended complaint. By separate order, the Court will direct Plaintiff to
11 submit documents necessary for service on Defendant Trantham by the United States Marshal.
12 Herein, the Court now recommends dismissal of Defendants Amador County Sheriff's
13 Department and Captain Stone.

14 Based on the foregoing, the undersigned orders and recommends as follows:

15 1. It is ORDERED that the Clerk of the Court is directed to randomly assign a
16 District Judge to this case.

17 2. It is RECOMMENDED that this action proceed on Plaintiff's first amended
18 complaint on his Eighth Amendment claim against Defendant Trantham only, as outlined above.

19 3. It is RECOMMENDED that Amador County Sheriff's Department and
20 Captain Stone be dismissed with prejudice as defendant to this action for failure to state a claim
21 upon which relief can be granted.

22 These findings and recommendations are submitted to the United States District
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
24 after being served with these findings and recommendations, any party may file written objections
25 with the Court. Responses to objections shall be filed within 14 days after service of objections.

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1 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
2 Ylst, 951 F.2d 1153 (9th Cir. 1991).

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4 Dated: November 18, 2024

A handwritten signature in dark ink, appearing to read "Dennis M. Cota", written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE